

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8540 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA and

MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RITESHKUMAR SURESHBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PUSHPADATT VYAS for MR BS PATEL for Petitioner
MR PREMAL JOSHI, ld.AGP for Respondents

CORAM : MR.JUSTICE M.R.CALLA and
MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 23/12/1999

ORAL JUDGEMENT

Rule. Mr.Premal Joshi waives the service of Rule
on behalf of the respondents.

2. It has been submitted by both the sides that a short point is involved in this matter and the same may be decided at this stage. Learned Counsel for the petitioner has argued that in this case, the objections under Section 5(A) of the Land Acquisition Act were not invited after the issuance of the Notification under Section 4 for the purpose of acquiring the land in question situated at village Bithali, Taluka Sinor, District Vadodara. The factual position that the objections under Section 5(A) were not invited is not disputed by learned Asstt. Govt. Pleader, under instructions from Mr.B.R.Sukhadia, the concerned Deputy Mamlatdar who is present in the Court along with the papers. In this view of the matter, the said Notification dated 16th August 1999 at Annexure.A to the petition, under Section 6 of the Act cannot be sustained in the eye of law. The same is hereby quashed and set aside. It will be open for the respondents to take up the proceedings subsequent to the stage of the issuance of Notification under Section 4 and proceed with the further proceedings in accordance with law. The Special Civil Application is allowed in terms as above and the Rule is also made absolute as above. No order as to costs.

Sreeram.